

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|-------------------------------------|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Kevin Nicholas | Team: Team # 8 | CCRB Case #: 200709186 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 06/26/2007 1:56 AM | Location of Incident: § 87(2)(b) | Precinct: 67 | 18 Mo. SOL 12/26/2008 | EO SOL 12/26/2008 | |
| Date/Time CV Reported Thu, 06/28/2007 9:45 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 06/28/2007 9:45 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|------------------------|--------|--------|---------|
| 1. POM Robert Martinez | 20291 | 922716 | PBBS TF |
| 2. POM Terrence Cane | 29622 | 922068 | PBBS TF |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POM Robert Martinez | Abuse: PO Robert Martinez stopped § 87(2)(b) | § 87(2)(b) |
| B.POM Terrence Cane | Abuse: PO Terrence Cane stopped § 87(2)(b) | § 87(2)(b) |
| C.POM Terrence Cane | Abuse: PO Terrence Cane searched the car in which § 87(2)(b) was an occupant. | § 87(2)(b) |
| D.POM Robert Martinez | Abuse: PO Robert Martinez damaged § 87(2)(b)'s property. | § 87(2)(b) |
| E.POM Terrence Cane | Force: PO Terrence Cane used physical force against § 87(2)(b) | § 87(2)(b) |
| F.POM Robert Martinez | Force: PO Robert Martinez used physical force against § 87(2)(b) | § 87(2)(b) |

Synopsis

§ 87(2)(b)'s mother, § 87(2)(b) who did not witness this incident, phoned in this complaint to the CCRB on June 26, 2007 and to IAB on June 28, 2007 (log #07-24867). On June 26, 2007 at approximately 1:56 AM, § 87(2)(b) walked outside his house at § 87(2)(b) in Brooklyn and went into his vehicle parked nearby and retrieved a CD. At the time, § 87(2)(b) was carrying an unopened bottle of beer. As § 87(2)(b) closed the vehicle door, a police vehicle swiftly pulled up to his location. A Hispanic male officer and a white male officer, who were subsequently identified respectively as PO Robert Martinez and PO Terrence Cane of Patrol Borough Brooklyn South Task Force, exited and approached § 87(2)(b). The officers put § 87(2)(b)'s beer on the ground and accused § 87(2)(b) of drunk driving. § 87(2)(b) denied being drunk and denied driving the vehicle. The officers then told § 87(2)(b) to remove everything from his pockets and he complied. PO Cane then entered § 87(2)(b)'s vehicle and began searching it. § 87(2)(b) protested and began yelling. PO Martinez told § 87(2)(b) to stop yelling and began trying to pull § 87(2)(b) over towards a bush by the side of the road. § 87(2)(b) refused to move and PO Martinez ended up breaking a chain that hung around § 87(2)(b)'s neck. PO Martinez told § 87(2)(b) to get in the police car and § 87(2)(b) complied. PO Cane continued searching § 87(2)(b)'s vehicle and opened up the trunk. § 87(2)(b) became more upset and stepped one foot out of the police car. Both officers then went over to § 87(2)(b) lifted him up and pushed him into the police car and closed the door. § 87(2)(b) was then driven to downtown Brooklyn where officers conducted a breathalyzer test. § 87(2)(b) was subsequently arrested and charged with § 87(2)(b).

§ 87(2)(b) identified PO Martinez by name and description. § 87(2)(b) further provided PO Martinez's shield number as "26922." § 87(2)(b) identified PO Martinez's partner by name as "McCane" and by shield number as 20291 – this shield number actually belongs to PO Martinez. After PO Martinez was identified using this shield number and name, a search of CTS was conducted for any officers in Patrol Brooklyn South Task Force with a name similar to McCane and with shield number "26922" – the shield number that § 87(2)(b) mistakenly provided for PO Martinez. The search revealed that there was a PO Cane in this command with a similar shield number – 29622. § 87(2)(g)

Contact letters were mailed to § 87(2)(b) and § 87(2)(b) on July 5, 2007. On July 9, 2007, two phone calls were placed to § 87(2)(b) at the phone numbers that she provided. She called back the undersigned later that day and confirmed that she did not actually witness any of the incident. Between July 9, 2007 and July 26, 2007, the undersigned made three phone calls to the numbers provided for § 87(2)(b). § 87(2)(b) was contacted on July 9, 2007 and he provided a phone statement at that time. An interview was then scheduled for July 19, 2007. § 87(2)(b) then called the undersigned on July 19, 2007 and said that he couldn't appear at the CCRB that day because he needed to watch his children. § 87(2)(b) was told that it was no problem and his interview was therefore rescheduled to July 24, 2007, which § 87(2)(b) subsequently missed. A 'missed appointment' letter was mailed to § 87(2)(b) on July 24, 2007. § 87(2)(b) was contacted on July 26, 2007 and his interview was rescheduled for August 2, 2007, which § 87(2)(b) subsequently missed. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: